

1-1 By: Martinez, Guerra (Senate Sponsor - Hinojosa) H.B. No. 2646
 1-2 (In the Senate - Received from the House May 5, 2017;
 1-3 May 8, 2017, read first time and referred to Committee on
 1-4 Transportation; May 17, 2017, reported favorably by the following
 1-5 vote: Yeas 8, Nays 0; May 17, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to real property acquired by advance acquisition for a
 1-20 transportation facility.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 202.021(b), Transportation Code, is
 1-23 amended to read as follows:

1-24 (b) Except as provided by Subsection (c) and Section
 1-25 202.113(b), real property shall be transferred or sold with the
 1-26 following priorities:

1-27 (1) to a governmental entity with the authority to
 1-28 condemn the property; or

1-29 (2) to the general public.

1-30 SECTION 2. Sections 202.112(a) and (d), Transportation
 1-31 Code, are amended to read as follows:

1-32 (a) The commission may acquire real property or an interest
 1-33 in real property or purchase an option to acquire real property for
 1-34 possible use in or in connection with a transportation facility
 1-35 before:

1-36 (1) a final decision has been made as to whether the
 1-37 transportation facility will be located on that property; or

1-38 (2) environmental clearance has been issued for the
 1-39 transportation facility by the appropriate federal or state
 1-40 authority.

1-41 (d) An option to acquire real property purchased under this
 1-42 section [~~or Section 227.041~~] may not expire later than the fifth
 1-43 anniversary of the date the option was purchased and may be renewed
 1-44 for subsequent periods that expire not later than the fifth
 1-45 anniversary of the date the option was renewed, by agreement of the
 1-46 commission and the grantor of the option or the grantor's heirs or
 1-47 assigns.

1-48 SECTION 3. Section 202.113, Transportation Code, is amended
 1-49 to read as follows:

1-50 Sec. 202.113. DISPOSAL OF SURPLUS PROPERTY. (a) Except as
 1-51 provided by Subsection (b), the [The] commission shall dispose of
 1-52 property acquired by advance acquisition that is not needed for a
 1-53 transportation facility in the manner provided by Subchapter B.

1-54 (b) Notwithstanding any other law, the commission first
 1-55 shall offer property described by Subsection (a) for sale to the
 1-56 person from whom the commission acquired the property at a price
 1-57 that is equal to the lesser of:

1-58 (1) the price the commission paid the person to
 1-59 acquire the property; or

1-60 (2) the fair market value of the property at the time
 1-61 it is offered for sale under this subsection, taking into account

2-1 any damage to the property.

2-2 SECTION 4. This Act takes effect immediately if it receives
2-3 a vote of two-thirds of all the members elected to each house, as
2-4 provided by Section 39, Article III, Texas Constitution. If this
2-5 Act does not receive the vote necessary for immediate effect, this
2-6 Act takes effect September 1, 2017.

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